

COMMITTEE ACTION SHEET

COUNCIL DOCKET OF _____

☐ Supplemental ☐ Adoption ☐ Consent ☐ Unanimous Consent Rules Committee Consultant Review

R -

O -

Bureau Veritas Design Agreement for Specific Canyon Trunk Sewers Group I – Amendment 3

☒ Reviewed ☐ Initiated By NR&C On 11/14/07 Item No. 1b

RECOMMENDATION TO:

Approve

VOTED YEA: Frye, Faulconer, Maienschein

VOTED NAY:

NOT PRESENT: Hueso

CITY CLERK: Please reference the following reports on the City Council Docket:

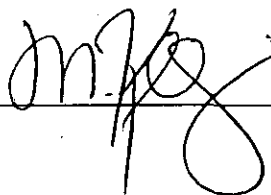
REPORT TO THE CITY COUNCIL NO.

COUNCIL COMMITTEE CONSULTANT ANALYSIS NO.

OTHER:

Metropolitan Wastewater Department's October 3, 2007, Executive Summary Sheet

COUNCIL COMMITTEE CONSULTANT



EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED:	October 3, 2007	REPORT NO.:
ATTENTION:	Council President and City Council	
ORIGINATING DEPARTMENT:	Metropolitan Wastewater Department	
SUBJECT:	Bureau Veritas Design Agreement for Specific Canyon Trunk Sewers Group I – Amendment 3	
COUNCIL DISTRICT(S):	3, 4, 5, 6, 7	
STAFF CONTACT:	Albert Sohikish (858) 614-5765	

REQUESTED ACTION:

Approval of Amendment No. 3 to the agreement with Bureau Veritas, providing for a time extension for a period of one (1) additional year from the expiration date of the existing contract.

STAFF RECOMMENDATION:

Adopt the Ordinance.

EXECUTIVE SUMMARY:

On June 4, 2002 the City entered into an agreement with Berryman & Henigar (who has since changed their name to Bureau Veritas) with a Document Number RR-296621. The agreement, in the amount of \$1,900,000, included pre-design, design and construction support work associated with the Specific Canyon Trunk Sewers Group I project. Group I consists of trunk sewers at Miramar, Montezuma, Lexington, and Balboa. On December 22, 2004, a "NO COST" Amendment No. 1 was filed in the Office of the City Clerk as Document No. C-13124, which reduced the level of effort on specific tasks and added the review of Horizontal Directional Drilling as an option for construction of the trunk sewer. On March 28, 2005 a "NO COST" Amendment No. 2 was filed in the Office of the City Clerk as Document No. C-13224, which revised an insurance provision to reflect industry practice.

Due to the financial constraint in the City and revised priorities, some of the canyon trunk sewer upgrade projects have been rescheduled. The Lexington Trunk Sewer construction was completed in 2005, Miramar Trunk Sewer is currently under construction and will be completed by March 2008. The design is complete for both Balboa and Montezuma and construction is scheduled for FY 2010 and FY 2011 respectively. The existing contract with Bureau Veritas is currently over five years and requires a time extension to complete their current activities related to the Miramar Trunk Sewer.

This request is for a "NO COST" time extension for one (1) additional year from the expiration date of the existing contract. The contract expired on June 26, 2007. This amendment will enable Bureau Veritas to continue to provide construction services for the Miramar Trunk Sewer project.

FISCAL CONSIDERATIONS:

None with this action.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

R-296621 Authorized contract in the amount of \$1,900,000.
This action was reviewed and approved by the Natural Resources and Culture Committee on November 14, 2007.

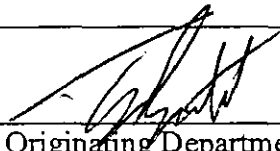
001268

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

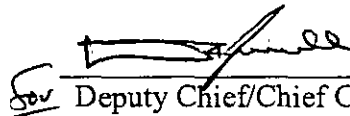
N/A

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Bureau Veritas



Originating Department



Deputy Chief/Chief Operating Officer

REQUEST FOR COUNCIL ACTION

CITY OF SAN DIEGO

1. CERTIFICATE NUMBER
(FOR AUDITOR'S USE ON) 01/08
N/A 58

TO: CITY ATTORNEY 2. FROM (ORIGINATING DEPARTMENT): METROPOLITAN WASTEWATER DEPARTMENT 3. DATE: 10/03/2007

4. SUBJECT: Bureau Veritas Design Agreement for Specific Canyon Trunk Sewers Group I - Amendment 3
5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.) Albert Sohikish (858) 614-5765, MS 901 6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.) Craig Whitemore (858) 292-6471, MS 901 7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED ☐

8. COMPLETE FOR ACCOUNTING PURPOSES

FUND	41506				9. ADDITIONAL INFORMATION / ESTIMATED COST:
DEPT.	773				
ORGANIZATION	960				
OBJECT ACCOUNT	4118				
JOB ORDER	177042				
C.I.P. NUMBER	40-195.8				
AMOUNT	No Cost				

R-296621 \$1,900,000
C-13124 Amd.1 No Cost
C-13224 Amd. 2 No Cost
This Request Amd. 3 No Cost
Total Contract \$1,900,000

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIG. DEPT.	<i>[Signature]</i>	10/17/07	8	DEPUTY CHIEF	<i>[Signature]</i>	11/6/07
2	E.O.C.	<i>[Signature]</i>	10/16/07	9	C.O.O.	- Not required -	
3	E.A.S.	<i>[Signature]</i>	10/25/07	10	CITY ATTORNEY	<i>[Signature]</i>	11/14/07
4	LIAISON OFFICE			11	ORIG. DEPT.	<i>[Signature]</i>	11/15/07
5	F.M.	<i>[Signature]</i>	11/5/07		DOCKET COORD:	<i>[Signature]</i>	11/27/07
6	AUDITOR	<i>[Signature]</i>	11/6/07		COUNCIL PRESIDENT	<input type="checkbox"/> SPOB <input checked="" type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION	
7					<i>[Signature]</i>	<input type="checkbox"/> REFER TO: COUNCIL DATE: 1/8/08	

11. PREPARATION OF: ☐ RESOLUTIONS ☒ ORDINANCE(S) ☒ AGREEMENT(S) ☐ DEED(S)

1. Authorizing the Mayor, or his designee, to execute Amendment No. 3 to the agreement with Bureau Veritas (formerly known as Berryman and Henigar), providing for a time extension for a period of one (1) additional year from the expiration date of the existing contract.

11A. STAFF RECOMMENDATIONS:
Adopt the Ordinance.

12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)

COUNCIL DISTRICT(S): 3, 4, 5, 6, 7

COMMUNITY AREA(S): City Heights, Clairemont Mesa, and College Area

ENVIRONMENTAL IMPACT: This activity is statutorily exempt from CEQA pursuant to the State Guidelines Section 15262.

ATTACHMENTS: Amendment No. 3 to the Agreement with Bureau Veritas.

CITY CLERK INSTRUCTIONS: Please forward two copies of the Resolution to MWWD, MS 901A, Attn: Rose Salarda.

Subject to Charter Section 99

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE OF THE SAN DIEGO CITY COUNCIL
AUTHORIZING A NO-COST THIRD AMENDMENT
TO THE AGREEMENT WITH BUREAU VERITAS FOR
DESIGN OF SPECIFIC CANYON TRUNK SEWERS,
GROUP I.

WHEREAS, on June 4, 2002, the City entered into a design agreement with Berryman & Henigar (now Bureau Veritas) in connection with Specific Canyon Trunk Sewers, Group I, on file in the office of the City Clerk as Document No. RR-296621; and

WHEREAS, the agreement was amended twice, at no additional cost, to investigate an alternative design and to update insurance provisions; and

WHEREAS, a further amendment is needed to extend the duration of the contract due to rescheduling of some of the sewer projects; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That the Mayor or his designee is authorized to execute, for and on behalf of the City, Amendment No. 3 to the agreement with Bureau Veritas North America, Inc. (formerly Berryman & Henigar), on file in the office of the City Clerk as Document No. OO-_____.

Section 2. That this activity is exempt from the California Environmental Quality Act because it is not a "project" pursuant to CEQA Guidelines section 15378(c).

Section 3. That a full reading of this ordinance is dispensed with prior to passage, since a written copy was made available to the City Council and the public prior to the day of its passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By


Thomas C. Zeleny
Deputy City Attorney

TCZ:mb

11/14/07

Aud.Cert:N/A

Or.Dept:MWWD

MWD-8046.

O-2008-68

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at its meeting of _____.

ELIZABETH S. MALAND, City Clerk

By _____

Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

001273

MWD-8046

ORIGINAL

CITY OF SAN DIEGO
METROPOLITAN WASTEWATER DEPARTMENT

AMENDMENT NO. 3

TO THE

AGREEMENT

BETWEEN

THE CITY OF SAN DIEGO

AND

BUREAU VERITAS NORTH AMERICA, INC.
(Formerly BERRYMAN & HENIGAR, INC.)

FOR

UPGRADES TO SPECIFIC CANYON TRUNK SEWERS
GROUP 1

August 2007

City of San Diego
Metropolitan Wastewater Department
9192 Topaz Way
San Diego, California 92123

AMENDMENT NO. 3
TO THE
AGREEMENT
BETWEEN
THE CITY OF SAN DIEGO
AND
BUREAU VERITAS NORTH AMERICA, INC.
(Formerly BERRYMAN & HENIGAR, INC.)
FOR
UPGRADES TO SPECIFIC CANYON TRUNK SEWERS
GROUP 1

WHEREAS, on June 04, 2002 the CITY entered into an AGREEMENT, the original of which is on file in the Office of the City Clerk as Document No. RR-296621, with the CONSULTANT to provide design services for specific canyon trunk sewers; and

WHEREAS, on December 22, 2004, the CITY and the CONSULTANT mutually agreed to amend the AGREEMENT to reduce the level of effort on specific tasks and to add Horizontal Directional Drilling (HDD) for NO COST, the original of which is on file in the Office of the City Clerk as Document No. C-13124; and

WHEREAS, on March 28, 2005, the CITY and the CONSULTANT mutually agreed to further amend the AGREEMENT to revise an insurance provision for NO COST, the original of which is on file in the Office of the City Clerk as Document No. C-13224; and

WHEREAS, Berryman & Heningar, Inc. has been acquired by Bureau Veritas North America, Inc.; and

WHEREAS, the CITY and CONSULTANT mutually desire to further amend the AGREEMENT to identify Bureau Veritas North America, Inc. as the named CONSULTANT; and

WHEREAS, the CITY and CONSULTANT also mutually desire to further amend the AGREEMENT to extend the period of performance to 72 months, ending on June 26, 2008 at NO COST;

NOW THEREFORE, the CITY and CONSULTANT agree to amend the AGREEMENT as follows:

1.0 Bureau Veritas North America hereby assumes the obligations under the Agreement that were formerly the responsibility of Berryman & Henigar, Inc. All references in the Agreement to Beryman & Henigar, Inc. shall be interpreted as referring to Bureau Vertias North America.

2.0 Add Paragraph 2.2.3 to the AGREEMENT as follows:

"The period of performance of this AGREEMENT shall be for Seventy-two (72) Months, ending on June 26, 2008."

This AMENDMENT NO. 3 to the AGREEMENT shall affect only the page(s) and paragraph(s) and/or terms and conditions referred to herein. All other elements of the AGREEMENT shall remain in full force and effect.

IN WITNESS WHEREOF, this THIRD AMENDMENT is executed by the City of San Diego, acting by and through its Mayor, or his designee, pursuant to San Diego Municipal Code 22.3223 authorizing such execution, and by the CONSULTANT.

BUREAU VERITAS NORTH AMERICA, INC. CITY OF SAN DIEGO
(formerly BERRYMAN & HENIGAR, INC.)

By: *K. Maria Hayslofer*

By: _____
Mayor or designee

Title: *Vice President*

Date: _____

Date: *10/11/07*

I HEREBY APPROVE the form and legality
of the foregoing Amendment No. 3 this
_____ day of _____,
2007.

MICHAEL J. AGUIRRE, City Attorney

By: _____
Deputy City Attorney